

IN THE CLAIMS:

1. (Currently amended) A system for sending out-of-band (OOB) service information from a service provider, the system comprising:

a point of deployment (POD) module which receives an in-band (IB) transport stream (TS) including IB TS packets, the POD module including a processor for processing OOB service information from a service provider, constructing OOB TS packets using the OOB service information, identifying unoccupied gaps in the IB TS, inserting the OOB TS packets in ~~existing the unoccupied gaps between consecutive IB TS packets~~ and sending the OOB TS packets and the IB TS packets to a set-top box using a transport stream channel; and

wherein the set-top box includes a processor for processing the OOB TS packets.

2. (Original) The system of claim 1, wherein the point of deployment module further includes a buffer for storing the OOB TS packets.

3. (Currently Amended) The System of claim 2, wherein the point of deployment module sends the OOB TS packets between two consecutive ~~transport stream~~ IB TS packets of ~~an original in-bound transport stream~~ the IB TS without delaying the two consecutive ~~transport stream~~ IB TS packets.

4. (Currently amended) A method of sending out-of-band (OOB) service information from a service provider between a data module and a host device, the method comprising the steps of:

receiving an in-band (IB) transport stream at a data module;

receiving out-of-band service information at the data module;

constructing OOB transport stream (TS) packets using the OOB service information;

identifying unoccupied gaps in the IB TS;

inserting at least one of the OOB TS packets into ~~an existing the unoccupied gap between two consecutive TS packets of the IB TS;~~ and

receiving the OOB TS packets at a host device.

5. (Original) The method of claim 4, wherein the data module is a point of deployment module.

6. (Previously presented) The method of claim 4, wherein the host device is a set-top box.

7. (Currently amended) A data module for use with a host device, the data module receiving an in-band (IB) transport stream (TS) including IB TS packets, the data module comprising:

a processor for processing out-of-band (OOB) service information, constructing OOB TS packets using the OOB service information, identifying unoccupied gaps in the IB TS, inserting the OOB TS packets in ~~existing the unoccupied gaps between consecutive IB TS packets~~ and sending the OOB TS packets and IB TS packets to a host device using a transport stream channel.

8. (Original) The data module of claim 7, further including a buffer for storing the OOB TS packets.

9. (Currently Amended) The data module of claim 8, wherein the data module sends the OOB TS packets between two consecutive ~~transport stream~~ IB TS packets of ~~an original in-band~~ ~~transport stream~~ the IB TS without delaying the two consecutive ~~transport stream~~ IB TS packets.

10. (Previously presented) The data module of claim 7, wherein the data module is selected from the group consisting of a point of deployment module, a wireless data interface appliance, a smartcard, a personal computer and an internet interface appliance.

11. (Original) The data module of claim 7, wherein the host device is a set-top box.

12. (Currently amended) A host device for use with a data module, the host comprising:
a processor for processing out-of-band (OOB) service information, wherein the OOB service information is received from OOB transport stream (TS) packets sent by a data module in ~~existing unoccupied gaps in an between~~ in-band TS packets.

13. (Original) The host device of claim 12, wherein the host is a set-top box.

14. (Currently amended) The host device of claim 13, wherein the processor is further adapted for receiving the OOB TS packets between two consecutive transport stream packets of the in-band TS ~~an original in-band transport stream~~, wherein the two consecutive transport stream packets are not ~~delayed~~ delayed from their original timing by the OOB TS packets.

15. (Previously presented) The method of claim 4, further comprising the step of buffering the OOB TS packets.